BOMBAY ACT No. XLVIII OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES MATADARI TENURE ABOLITION ACT, 1953.]

[*26th August 1953*]

Amended by Bom. 66 of 1953.

An Act to abolish Matadari tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the tenure on which certain Matadari Estates are held in the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby provided as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories Matadari Tenure Abolition Act, 1953.

(*2*) It extends to the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas which are included in the districts of Ahmedabad, Kaira and Sabarkantha.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

(*i*) "Ankdo" means a lump sum paid annually by a Matadar to Government as revenues of a Matadari estate;

(*ii*) "Bhayati land" means the land assigned to a co-sharer of a Matadar;

(*iii*) "Code" means the Bombay Land Revenue Code, 1879;

Bom. V of 1879.

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*v*) "Gharkhed land" means the land held by a Matadar as his private or personal property;

(*vi*) "land register" means a register of lands in a village comprising a Matadari estate maintained in such village;

(*vii*) "Matadar" means the holder of a Matadari estate and includes his co-sharer;

(*viii*) "Matadari estate" means a Matadari estate specified in the Schedule appended to this Act;

(*ix*) "Matadari tenure" means a land tenure on which a Matadari estate is held by a Matadar;

(*x*) "prescribed" means prescribed by rules made under this Act;

(*xi*) "registered occupant" means a person whose name is entered in the land register as the holder of a Sarkari land;

(*xii*) "Sarkari land" means a land shown in the land register as "Sarkari".

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) Reference in this Act to the incidents of the Matadari tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 39.

(*4*) If any question arises whether any land is Gharkhed, Bhayati or Sarkari, the State Government or any officer authorised by the State Government shall decide the question and his decision shall be final.

Abolition of Matadari tenure.

3. With effect from and on the date on which this Act comes into force—

(*1*) the Matadari tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished;

(*2*) save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished;

(*3*) all the villages comprised in the Matadari estates are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder:

Provided that nothing in this section shall be deemed to affect any *devasthan* inam or inams held for religious or charitable institutions.

Persons to be deemed as occupants.

4. (*1*) In a Matadari estate—

(*a*) in the case of Gharkhed land held by a Matadar, such Matadar;

(*b*) in the case of Bhayati land held by a co-sharer of a Matadar, such co-sharer; and

(*c*) in the case of Sarkari land, the registered occupant holding such land;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

(*2*) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (*1*) shall be free from the liability for the payment of any amount in respect thereof to the Matadar as an incident of Matadari tenure and all the rights of a Matadar in his capacity as Matadar in such land shall be deemed to have been extinguished.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

5. For the removal of doubt it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in a Matadari estate and all other kinds of property referred to in section 37 of the Code situate in a Matadari estate, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for the extinguishment or modification of rights of Matadars.

6. (*1*) If a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in a Matadari estate, he may apply to the Collector for compensation.

(*2*) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(*3*) The Collector shall, subject to the provisions of section 7, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly.

(*4*) Subject to the provisions of section 10, the award of the Collector shall be final.

Amount of compensation.

7. (*1*) Where a Matadar was, as an incident of Matadari tenure, entitled to a portion of the revenues of the Matadari estate remaining after payment of the *Ankdo* to Government, the amount of compensation shall be three times the average of the amount of such portion proved to have been received by the Matadar during the five years immediately before the date on which this Act comes into force.

(*2*) Where a Matadar was receiving cash allowance for the collection of revenue of his Matadari estate, the amount of compensation shall be seven times the amount of cash allowance received by the Matadar for the year immediately preceding the date on which this Act comes into force.

Method of compensation for extinguishment or modification of rights of any other person.

8. (*1*) If any person other than a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) Subject to the provisions of section 10, the award of the Collector shall be final.

In determining compensation, sections 23 and 24 of Act I of 1894 to be applicable.

9. In determining the amount of compensation under section 6 or 8, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

Appeals against award.

10. (*1*) Any person aggrieved by the award of the Collector made under section 6 or 8 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*2*) In deciding an appeal under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

Limitation for appeals.

11. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court Fees.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Amount of compensation payable in transferable bonds.

[1][**13.** The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.]

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Matadari village.

14. Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any Matadari estate, or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

15. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

Saving.

16. Nothing contained in this Act shall affect—

(*1*) any obligation or liability already incurred under an incident of Matadari tenure before the date on which this Act comes into force ; or

(*2*) any proceeding or remedy in respect of any such obligation or liability and any such proceeding or remedy may be instituted, continued or enforced, as if this Act had not been passed.

SCHEDULE.

(*See* SECTION 2.)

Serial No.	Name of the Matadari Estate.	District.
1	Harakhji-na-Muada	Ahmedabad.
2	Amraji-na-Muada	Do.
3	Vatva	Do.
4	Bardoli	Do.
5	Harsoli	Do.
6	Palundra	Do.
7	Dabhoda	Do.
8	Vadodra	Do.
9	Salki	Do.

[1] This section was substituted for the original by Bom. 66 of 1953, s. 2.